

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
January 20, 1999**

Mayor Neisen O. Kasdin
Vice-Mayor Simon Cruz
Commissioner David Dermer
Commissioner Susan F. Gottlieb
Commissioner Nancy Liebman
Commissioner Martin Shapiro
Commissioner Jose Smith

City Manager Sergio Rodriguez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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AFTER ACTION

PA1 Presentation from the South Beach Prefers Visa Program. (Kasdin) 1
PA2 Proclamation to David Balogh, Retiring, Balogh Jewelers. (Kasdin) 3
PA3 **New Item:** Certificates of Appreciation: Police Reserves/Auxiliary Officers.

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C2B BA 7-98/99, Furniture for Police Communications Ctr, \$126,808.66. 7
C2C BA 23-98/99, Emer. Elec. Gen. Sys. Undergrd Fuel Tank Closures, \$60,080. 11
C2D BA 16-98/01, Purchase Park Equipment, \$118,807.80. 13

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REPORTS AND INFORMATIONAL ITEMS

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 C **3:30 p.m.**, Status Report on the Cultural Arts Council. 505
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REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

3A **Joint**, Nego. Contract for Eng., Landscape, Arch. Svcs, S. Pointe Area. 1

Call to Order - 9:19 a.m.

Inspirational Message and Pledge of Allegiance

Requests for Additions, Withdrawals, and Deferrals

PA - Presentations and Awards

PA1 Presentation from the South Beach Prefers Visa Program.

(Requested by Mayor Neisen Kasdin)

(Deferred 12/2/98)

ACTION: Presentation made.

HANDOUTS:

1. Pamphlet South Beach Prefers Visa
2. South Beach "America's Riviera" map
3. New York Post: Special Advertising Section: "South Beach"

PA2 Proclamation to be Presented to David Balogh, Retiring - Balogh Jewelers Closes its Retail Store by the End of January 1999.

(Requested by Mayor Neisen Kasdin)

ACTION: Proclamation presented.

ADD ON ITEM:

PA3 Certificates of Appreciation to be Presented to Seven Active City of Miami Beach Police

Reserves who have given their time to the City and its Citizens for many years -

ACTION: Certificates presented.

CONSENT AGENDA

Consent Agenda approved. Motion made by Commissioner Smith, seconded by Commissioner Liebman; Voice vote: 7-0.

C2 - Competitive Bid Reports

C2A Commission Memorandum No. 46-99

Request for Approval to Award a Contract to MGI-Morgan General Mechanical Group, Inc., in the Amount of \$39,233, Pursuant to Bid No. 119-97/98 for Testing and Maintenance of the Electrical Distribution System for the Miami Beach Convention Center and Jackie Gleason Theater.

Funding: Convention Center Capital Account.

Administration Recommendation: Approve the award.

(Convention Center)

ACTION: Award authorized. Mayra Diaz Buttacavoli to handle.

C2B Commission Memorandum No. 47-99

Request for Approval to Award a Purchase Order to Xybix Ergonomic Systems, Inc., in the Amount of \$126,808.66, Pursuant to the Bid No. 7-98/99 to Furnish and Install Console Furniture for the Miami Beach Police Department Communications Center. Funding: Police Department Budget Account.

Administration Recommendation: Approve the award.

(Police Department)

ACTION: Award authorized. Michael Rath to issue Purchase Order. Chief Barreto to handle.

C2C Commission Memorandum No. 48-99

Request for Approval to Award a Contract to DPC General Contractors, Inc. in the Amount of \$60,080, Pursuant to Bid No. 23-98/99 for Emergency Electrical Generator System Underground Fuel Storage Tank Closures. Funding: Reallocated Bond Fund 351 and Water & Sewer Improvement Bond Fund 426.

Administration Recommendation: Approve the award.

(Public Works)

ACTION: Award authorized. Julio Grave de Peralta to handle.

C2D Commission Memorandum No. 49-99

Request for Approval to Award a Contract to Sportsmaster in the Estimated Amount of \$118,807.80, Pursuant to Bid No. 16-98/01 for the Purchase of Park Equipment. Funding: Each Park's Respective Work Order.

Administration Recommendation: Approve the award.
(Recreation, Culture and Parks)

ACTION: Award authorized. Kevin Smith to handle.

C4 - Commission Committee Assignments

C4A Commission Memorandum No. 50-99

Referral to the Land Use and Development Committee - Directional Signage for Lincoln Road and Zoning to Prohibit Additional Nightclubs on Lincoln Road.

Administration Recommendation: Refer the matter.
(City Manager's Office)

ACTION: Referred. Janet Gavarrete to place on committee agenda.

C4B Commission Memorandum No. 51-99

Referral to the Neighborhoods Committee - Closure of Pine Tree Circle at Pine Tree Drive Near LaGorce Island Bridge.

Administration Recommendation: Refer the matter.
(City Manager's Office)

ACTION: Referred. Ronnie Singer to place on committee agenda.

C7 - Resolutions

C7A Commission Memorandum No. 52-99

A Resolution Approving and Authorizing the Funding of the Off-Duty Police Program for Washington Avenue, through September 30, 1999, or Until a New Police Staffing Program is Approved; Reallocating Funds in the Amount of \$180,000, from Police Funds Identified through Unfilled, Budgeted Positions as Salary Savings; and Continuing to Administer the Program through the Police Athletic League (PAL) of Miami Beach.

Administration Recommendation: Adopt the Resolution.
(City Manager's Office)

ACTION: Resolution No. 99-23031 adopted. Chief Barreto and Patricia Walker to handle.

C7B Commission Memorandum No. 53-99

A Resolution Approving the Fiscal Year 1998/99 Budget of the Middle Beach Partnership for the Revitalization of 41st Street, in the Amount of \$74,566, Plus \$36,500 in In-Kind Services, to be Provided by the Middle Beach Partnership, for a Total Operating Budget of \$111,066; and Further Authorizing the City Manager to Negotiate and Execute a Loan Agreement, in a Form Acceptable to the City Attorney, with the Middle Beach Partnership, to Provide for Repayment of a Non-Interest Bearing Loan.

Administration Recommendation: Adopt the Resolution.
(Community/Economic Development)

ACTION: Resolution No. 99-23036 adopted. Ronnie Singer and Patricia Walker to handle.

HANDOUT: Corrected letter from Barton S. Goldberg “contracted Maintenance changed from \$1,500 to \$2,500.”

C7C Commission Memorandum No. 54-99

A Resolution Retroactively Authorizing the City Manager, or His Designee, to Submit an Application to the John F. Kennedy School of Government at Harvard University for the 1999 Innovations in American Government Award for the CiviCall Program; and, Authorizing the Submission of Supplementary Documentation, as Required, if the Application is Ranked as One of the Top 100 Applications; and, Authorizing the Acceptance of the Grant, Not to Exceed \$100,000, if Awarded.

Administration Recommendation: Adopt the Resolution.

(Community/Economic Development)

ACTION: Resolution No. 99-23037 adopted. Christina Cuervo to handle.

C7D Commission Memorandum No. 55-99

A Resolution Authorizing the Administration to Issue a Request for Proposals (RFP) for the Provision of Group Managed Medical Care Insurance, Dental Insurance, and Life/Accidental Death Insurance for the City of Miami Beach Employees' Benefit Plan, for a One-Year Period, with Four (4) One-Year Renewal Options.

Administration Recommendation: Adopt the Resolution.

(Labor Relations)

ACTION: Resolution No. 99-23038 adopted. Richard Bender to handle.

City Clerk's note: Process revised resolution.

C7E Commission Memorandum No. 79-99

A Resolution Setting a Public Hearing to Consider a Request by Marquesa Development, Ltd., to Modify the 1984 Development Agreement, and the Concept Plan Consistent with the Design Review Approval Granted Under Design Review Board (DRB) File No. 9943.

Administration Recommendation: Adopt the Resolution setting a public hearing on February 17, 1999 with a time certain of 11:02 a.m. to consider a request to modify the 1984 Development Agreement, and the Concept Plan Consistent with the Design Review approval granted under DRB File No. 9943.

(Planning Department)

ACTION: Resolution No. 99-23039 adopted.

City Clerks note: Minimum 7-day notice. Applicant to provide mailing material (stuffed & postage) and returned to the City Clerk's office for mailing along with mail address certification. Newspaper notice to be placed by the applicant (local section). Planning Department to post notice on the property. R. Parcher to coordinate.

C7F Commission Memorandum No. 56-99

A Resolution Finding and Declaring the Existence of an Emergency and Allowing the Police Athletic League (PAL) to Utilize the Public Swale Area Located at Dade Boulevard and Prairie Avenue for a Fund-Raising Event to Operate a Food Concession Stand and Provide Additional Parking for the Duration of the

Boat Show, Currently Scheduled from February 11 - 17, 1999; Further Provided that the Swale be Utilized Exclusively by PAL Subject to the Following Conditions: (1) That Ingress and Egress to the Swale be Provided Exclusively from Prairie Avenue; (2) That 100% of the Profits Generated from this Fundraiser be Returned to PAL for its Exclusive Use; (3) That PAL and the City Jointly Monitor the Use of the Swale so the Surrounding Residential Neighborhood is Not Disturbed; (4) That the Subject Permission is Granted on a One Time Only Emergency Basis, in View of the Current Parking Shortage in the City of Miami Beach; (5) In Order to Accommodate the Unique Emergency Created by the Increased Parking Demands of Patrons Attending the Boat Show, the Subject Permission is Granted Without Establishing Precedent so as to Satisfy this Unique Emergency Situation; and (6) Obtain Necessary Permits to Operate a Concession Stand.

Administration Recommendation: Adopt the Resolution.

(Police Department)

ACTION: Motion made by Commissioner Gottlieb to eliminate the authorization for PAL to "operate a food concession stand". No second offered. Resolution No. 99-23040 adopted. Chief Barreto to handle. Coordinate with Mayra Diaz Buttacavoli.

C7G Commission Memorandum No. 57-99

A Resolution Finding and Declaring the Existence of an Emergency and Allowing the Police Athletic League (PAL) to Utilize the Vacant Lot Located on Dade Boulevard, between Prairie Avenue and Meridian Avenue, for a Fund-Raising Event to Provide Additional Parking for the 1999 Miami Beach International Boat Show, for the Dates of February 12th, 13th, and 14th, 1999; Further Providing that the Lot be Utilized Exclusively by PAL Subject to the Following Conditions: (1) That Ingress and Egress to the Lot be Provided Exclusively from Dade Boulevard; (2) That 100% of the Profits Generated from this Fundraiser be Returned to PAL for its Exclusive Use; (3) That PAL and the City Jointly Monitor the Use of the Lot so the Surrounding Residential Neighborhood is Not Disturbed; (4) That the Subject Permission is Granted on a One Time Only Emergency Basis, in View of the Current Parking Shortage in the City of Miami Beach; and (5) In Order to Accommodate the Unique Emergency Created by the Increased Parking Demands of Patrons Attending the Boat Show, the Subject Permission is Granted Without Establishing Precedent so as to Satisfy this Unique Emergency Situation.

Administration Recommendation: Adopt the Resolution.

(Police Department)

ACTION: Resolution No. 99-23041 adopted. Chief Barreto to handle. Coordinate with Mayra Diaz Buttacavoli.

C7H Commission Memorandum No. 58-99

A Resolution Adopting the First Amendment to the Police Confiscation Trust Fund for Fiscal Year 1998/99, in the Amount of \$253,753, to be Funded from the Proceeds of State Confiscated Funds. (For the Following: The City's Match to the U.S. Department of Justice COPS MORE-98" Grant and to the Local Law Enforcement Block Grant; to Reimburse the General Fund for Overtime Incurred by the South Florida Impact Task Force; Contribution to the Crime Stoppers of Dade County Program; and Purchase of Uniforms for the Employees in the Public Safety Communication Unit/PSCU-911 Center.)

Administration Recommendation: Adopt the Resolution.

(Police Department)

ACTION: Resolution No. 99-23042 adopted. Chief Barreto to handle.

End of Consent Agenda**REGULAR AGENDA****R5 - Ordinances****R5A Commission Memorandum No. 60-99**

An Ordinance Amending Chapter 2 Entitled "Administration"; by Amending Article III Entitled "Agencies, Boards and Committee"; by Amending Division 7 Entitled "Fashion, Film, Entertainment and Production Committee" by Changing the Name of the Committee to the "Production Industry Council", Amending the Purpose of the Committee, and Deleting the Representative from the State Entertainment Commission as a Non-Voting, Ex-Officio Member; Providing for Repealer; Providing for Severability; Providing for Codification; and Providing for an Effective Date. **11:15 a.m. Public Hearing, Second and Final**

Reading

Administration Recommendation: Adopt the Ordinance.

(City Clerk's Office)

(First Reading 1/6/99)

ACTION: Public hearing held. Ordinance No. 99-3165 adopted as amended. Correction to be made: Section 2-71 (d) Composition: "The Council shall be composed of 11 members...". Motion to adopt the ordinance as amended made by Commissioner Liebman; seconded by Commissioner Dermer; ballot vote: 6-0; Mayor Kasdin absent. Committee renamed the "Production Industry Council". James Quinlan to handle.

R5B Commission Memorandum No. 61-99

An Ordinance Amending Miami Beach City Code Chapter 2 "Administration", Article III Entitled "Agencies, Boards and Committees", Section 2-22(9) Thereof by Providing for Automatic Removal of an Agency, Board or Committee Member Failing to Attend 33% of the Regularly Scheduled Meetings per Calendar Year, as Calculated by Rounding Either Up or Down to the Nearest Whole Number; Providing for Codification, Repealer, Severability, and Effective Date. **3:00 p.m. Public Hearing, Second and**

Final Reading

Recommendation: Adopt the Ordinance.

(City Clerk's Office)

(First Reading 12/2/98 - Public Hearing Continued from 12/16/98 and 1/6/99)

ACTION: Public hearing held. Ordinance No. 99-3168 adopted. Motion made by Commissioner Smith; seconded by Commissioner Liebman; ballot vote: 7-0. R. Parcher to handle.

City Clerk's office to coordinate with the board and committee liaisons on the number of regularly scheduled meetings for 1999.

R5C Commission Memorandum No. 62-99

An Ordinance Repealing, in its Entirety, Chapter 82 Article VI of the Miami Beach City Code, Entitled "Naming of Public Facilities and Streets", and Replacing Same with the Foregoing New Language;

Providing for Repealer; Severability; Codification; and an Effective Date. **First Reading Administration Recommendation:** Approve the Ordinance on first reading and schedule a public hearing for second and final reading.

(City Manager's Office)

ACTION: Motion made by Vice-Mayor Cruz to defer the item; seconded by Commissioner Gottlieb; voice vote: 7-0. Item deferred. Judy Hoanshelt to place on February 3rd agenda.

R5D Commission Memorandum No. 63-99

An Ordinance Amending the Code of the City of Miami Beach, Florida, Amending Chapter 138 Entitled "Signs", Section 138-137 Entitled "Banners and Balloon Signs", By Prohibiting Balloon Signs and Exempting from Said Prohibition Certain Signs Approved in Accordance with Special Events; Providing for Inclusion in the Code of the City of Miami Beach, Florida; Repealer; Severability; and an Effective Date. **11:00 a.m. Public Hearing, Second and Final Reading**

Administration Recommendation: Adopt the Ordinance.

(Planning Department)

(First Reading 12/16/98)

ACTION: Public hearing held. Ordinance No. 99-3166 adopted. Motion made by Commissioner Liebman; seconded by Commissioner Gottlieb; ballot vote: 6-0; Mayor Kasdin absent. Al Childress and James Quinlan to handle.

R5E Commission Memorandum No. 64-99

An Ordinance Amending The Land Development Regulations of the Code of the City of Miami Beach, Florida, Amending Section 118 Entitled "Administration and Review Procedures" by Amending Subsection 118-531 Entitled "Review Requests; Meetings" to Provide for the Review of Public Improvements in Public Rights-of-Way and Easements in Historic Districts by the Joint Design Review/Historic Preservation Board; by Amending Section 118-260 Entitled "Special Review Procedure" to Provide for Staff Level Review of Minor Public Improvements in Public Rights-of-Way and Easements Within Historic Districts; Providing for Codification; Repealer; Severability; and an Effective Date. **11:30 a.m. Public Hearing, Second and Final Reading**

Administration Recommendation: Adopt the Ordinance.

(Planning Department)

(First Reading 12/16/98)

ACTION: Public hearing held. Ordinance No. 99-3167 adopted. Motion made by Commissioner Shapiro; seconded by Commissioner Gottlieb; ballot vote: 7-0. Dean Grandin to handle.

Administration directed to prepare a similar ordinance that addresses the issue of approvals for City projects on a city-wide basis (not just in historic districts). Dean Grandin to handle.

R5F Commission Memorandum No. 65-99

An Ordinance Amending the Code of the City of Miami Beach, Florida, Amending Chapter 142 Entitled "Zoning Districts and Regulations", Section 142-696 Entitled "Residential Performance Standard Area Requirements" By Limiting the Provision Allowing Higher Maximum Building Heights for a Lot Exceeding 50 Feet in Width Based Upon the Existence of a Contributing Structure on the Site, Within the Ocean Beach Historic District; Providing for Inclusion in the Code of the City of Miami Beach, Florida; Repealer; Severability; and an Effective Date. **2:00 p.m. Public Hearing, Second and Final Reading**

Administration Recommendation: Adopt the Ordinance.

(Planning Department)

(First Reading 12/16/98)

ACTION: Discussion held. Public hearing opened and continued to February 3rd at 11:45 a.m. Motion made by Commissioner Dermer; seconded by Vice-Mayor Cruz; voice vote: 7-0. Judy Hoanshelt to place on February 3rd agenda.

Commissioner Dermer requested more information on the history of down zoning over the last 20 years within the interior portion of the South Pointe Redevelopment area.

HANDOUT: Testimony in support of a corrective amendment to the zoning ordinance, applicable to Ocean Beach Historic District "RPS" zones. Frank Del Vecchio

R5G Commission Memorandum No. 66-99

An Ordinance Amending the Code of the City of Miami Beach, Florida, Amending Chapter 114 Entitled "General Provisions", Amending Section 114-1 Entitled "Definitions" by Creating a Definition for "Historic Inn"; Amending Chapter 142 Entitled "Zoning District Regulations", Section 142-1105 Entitled "Suites Hotels" by Modifying the Regulations to Include Provisions for Historic Inns; Providing for **Inclusion in the Code of the City of Miami Beach, Florida**; Repealer; Severability; and an Effective Date. **First Reading**

Administration Recommendation: Approve the Ordinance on first reading and schedule a public hearing for second and final reading.

(Planning Department)

ACTION: Ordinance approved on first reading. Motion made by Commissioner Liebman; seconded by Vice-Mayor Cruz; ballot vote: 7-0. Second reading and public hearing scheduled for February 17th at 2:00 p.m. R. Parcher to publish notice.

R5H Commission Memorandum No. 67-99

An Ordinance Amending the Code of the City of Miami Beach, Florida, Amending Chapter 118 Entitled "Administration and Review Procedures", Section 118-262 Entitled "Review of Design Review Decisions" By Eliminating the Mailed Notice Requirement for Reviews of Design Review Board Decisions; Amending Section 118-537 Entitled "Rehearings and Appeals" by Eliminating the Mailed Notice Requirement for Appeals of Historic Preservation Board or Joint Design Review Board/Historic Preservation Board Decisions; Providing for **Inclusion in the Code of the City of Miami Beach, Florida**; Repealer; Severability; and an Effective Date. **First Reading**

Administration Recommendation: Approve the Ordinance on first reading and schedule a public hearing for second and final reading.

(Planning Department)

ACTION: Ordinance approved on first reading. Motion made by Vice-Mayor Cruz; seconded by Commissioner Liebman; ballot vote: 7-0. Second reading and public hearing scheduled for February 17th at 2:30 p.m. R. Parcher to publish notice.

R5I Commission Memorandum No. 68-99

1. Alternative "A" - An Ordinance Amending the Code of the City of Miami Beach, Florida, Amending Chapter 118 Entitled "Administration and Review Procedures", Section 118-72 Entitled "Membership" By Modifying the Required Composition and Residency Requirements of Members of the Design Review

Board; Providing for **Inclusion in the Code of the City of Miami Beach, Florida**; Repealer; Severability; and an Effective Date. First Reading

2. Alternative "B" - An Ordinance Amending the Code of the City of Miami Beach, Florida, Amending Chapter 118 Entitled "Administration and Review Procedures", Section 118-72 Entitled "Membership" By Modifying the Required Composition and Residency Requirements of Members of the Design Review Board; Providing for **Inclusion in the Code of the City of Miami Beach, Florida**; Repealer; Severability; and an Effective Date. First Reading

Administration Recommendation: Approve Alternative "A" Ordinance on first reading and schedule a public hearing for second and final reading.

(Planning Department)

ACTION: Discussion held. Ordinance "Alternative A" approved on first reading. Motion made by Commissioner Liebman; seconded by Vice-Mayor Cruz; ballot vote: 7-0. Second reading and public hearing scheduled for February 17th at 3:00 p.m. R. Parcher to publish notice.

R6 - Commission Committee Reports

R6A Commission Memorandum No. 69-99

Report on the Special Joint Meeting of the Land Use and Development Committee and the Beach Preservation Committee of January 11, 1999: 1) Priorities and Initiatives for Code Compliance Department; 2) Discussion on Draft RFP for Public Pay Telephones and Proposed Draft Amendments to City Code Regarding Public Pay Telephones on Public Property; and, 3) Discussion of the Rules and Regulations for Beachfront Concession Operations and the Beachfront Master.

ACTION: Verbal report presented by Commissioner Liebman.

Commissioner Smith requested information on what are other coastal communities doing relative to beach concessions and beach master planning. Janet Gavarrete to handle.

R6B Verbal Report on the Finance and Citywide Projects Committee Meeting of January 14, 1999: 1) Update on the Bass Museum; 2) The Reallocation of the Remaining 1996A Parking Revenue Bonds (Bond Fund 485) to Various Ongoing and/or Previously Approved Parking System Projects; 3) A Proposed Landscaping, Irrigation and Lighting Plan for the Areas Adjacent to the La Gorce Island Bridge; 4) State Legislative Priorities for 1999; 5) Discuss a Request from DiLido Beach Hotel Corporation for the City of Miami Beach to Submit a Section 108 Loan Application for \$10 Million and to Submit an Economic Development Initiative Grant Request for \$1.0 Million to U.S. HUD on Their Behalf; and, 6) Update on the \$59 Million Water and Sewer Bond Program and Pump Stations Upgrades Project.

ACTION: Verbal report presented by Vice-Mayor Cruz.

Discussion held on 501C3's. Cultural Arts Council presented to the Committee a request for a 501C3 and the Committee recommended approval of the request which will be forwarded to the Commission.

3) proposed landscaping and irrigation and lighting plan for the area adjacent to La Gorce Island bridge; allocate funds to replace the tree plantings;

4) report on the allocation of the remaining 1996 park revenue bonds and the funds that were left over from the parking bond, recommendation was made on the usage; committee supported the reorganization and

recommended approval;

5) the consent was those CDBG funds would be used for the community at large and would not be used for one particular private development. We did give instructions though to the extent that if the economic development grant could be aided by the help of the city administration we should follow that course;

7) \$59 million water and sewer bond program and pump station upgrade; committee agreed that the administration should forward a clear recommendation for award of the pump station upgrade contract to a full commission.

R7 - Resolutions

R7A City Attorney Commission Memorandum No. 70-99

A Resolution Approving a Settlement Agreement between the City of Miami Beach and South Beach Ocean Parcel, Ltd., Continuum Company, L.L.C., and Portofino Real Estate Fund, Ltd., Respectively, in Resolution of 11th Judicial Circuit Court Case No. 98-10798 CA 30, Third District Court of Appeal Case No. 98-1645, Certain Harris Act Claim(s), a Certain Petition for Certiorari Pending Before the 11th Judicial Circuit Court, Appellate Division Case No. 98-312AP and All Related Litigation and Claims, and Authorizing the Execution of Any Necessary Documents.

Recommendation: Adopt the Resolution.

(City Attorney's Office)

(Deferred from 1/6/99)

ACTION: Deferred. Judy Hoanshelt to place on February 3rd agenda.

R7B Commission Memorandum No. 71-99

A Resolution Authorizing the City to Borrow an Amount Not to Exceed \$1,400,000 from Colonial Bank, for a Period of Five (5) Years at an Interest Rate Not to Exceed Four and Six-Tenths Percent (4.6%) per Annum, for the Purpose of Financing the 41st Street Public Area Beautification Project; Pledging to the Payment of Said Note One Twelfth (1/12) of the Additional One Percent (1%) Resort Tax, Approved by the Voters of the City on November 3, 1992, and Levied and Collected by the City Pursuant to Chapter 67-930, Laws of Florida, Acts of 1967, as Amended, and Ordinance No. 93-2829 (Codified in Section 102-307 of the Miami Beach Code), on a Subordinated Basis, and Covenanting to Annually Budget and Appropriate Funds from Legally Available Non-Ad Valorem Revenues to Repay Such Note in the Event That the Proceeds of Such Portion of the Resort Tax are Insufficient Therefor; Delegating Authority to the Manager and the Finance Director to Negotiate the Final Provisions of Such Loan; and Providing an Effective Date.

Recommendation: Adopt the Resolution.

(City Attorney's Office/Finance Department)

ACTION: Resolution No. 99-23043 adopted. Motion made by Commissioner Gottlieb; seconded by Commissioner Liebman; voice vote: 6-0; Mayor Kasdin absent. Patricia Walker to handle.

Commissioner Smith commended the Administration for finding a very creative way to finance much needed street improvements and stated that this should serve as a model to other areas of the city that do need infrastructural improvements that perhaps there are other creative ways to finance streetscape improvement programs.

R7C Commission Memorandum No. 72-99

A Resolution Approving the City's 1999 State Legislative Priorities.

Administration Recommendation: Adopt the Resolution.

(Community/Economic Development)

ACTION: Discussion held. The following priorities established:

Funding: 1) beach restoration; 2) Fire Department, 3) park/youth center and other parks items; 4) black box theater and books; and 5) cleaning of waterways.

Legislative items: 1) under grounding of utilities; 2) transportation related items; 3) cleaning of beaches and waterways; 4) police items (under 21 yrs. drinking age, gang funding and pawn shops); 5) separation distance of 500 ft. between schools and establishments selling alcoholic beverages; and 6) immobilization fee. Funding and legislative priorities approved. Motion made by Commissioner Liebman; seconded by Vice-Mayor Cruz; voice vote: 7-0.

Resolution No. 99-23044 adopted. Motion made by Commissioner Liebman; seconded by Vice-Mayor Cruz; voice vote: 7-0.

Lobbyists to be notified. Christina Cuervo to handle.

R7D Commission Memorandum No. 73-99

A Resolution Ratifying the Ranking of Responses Received and Authorizing the Miami Beach Redevelopment Agency Staff to Enter into Negotiations for a Contract with the Number-One Ranked Firm, Kimley Horn & Associates, Inc., Pursuant to Request for Qualifications (RFQ) No. 15-98/99, for Providing Professional Engineering, Landscaping and Architectural Services for Design and Implementation of Street Improvements in the South Pointe Redevelopment Area; Authorizing the Redevelopment Agency Staff to Negotiate with the Second-Ranked Firm, Bermello-Ajamil & Partners, Inc., Should the Agency Not be Able to Reach Agreement with Kimley Horn & Associates, Inc. **Joint City Commission and Redevelopment Agency**

Administration Recommendation: Adopt the Resolution.

(Community/Economic Development)

ACTION: Heard in conjunction with RDA item 3A. Resolution No. 99-23045 adopted. Motion made by Commissioner Liebman; seconded by Vice-Mayor Cruz; voice vote: 7-0. Christina Cuervo and Julio Grave de Peralta to handle.

R7E Commission Memorandum No. 74-99

A Resolution Authorizing the City Manager or His Designee to Move Forward to Acquire the Ownership of North Shore Open Space Park and the West Side Parking Areas; Implement the \$2.1 Million in Improvements to the Park as Adopted in the City of Miami Beach Parks Master Plan (Funding to Come From the Miami-Dade County Safe Neighborhood Parks Bond Program); and to Work with the Community to Pursue Solutions to Reduce the Operating Deficit of the Park.

Administration Recommendation: Adopt the Resolution.

(Recreation, Culture and Parks)

ACTION: Discussion held. Resolution No. 99-23046 adopted as amended: title of resolution and the NOW THEREFORE clause amended: strike the following language "work with the Community to...". The language should read "...; and to pursue solutions to reduce the operating deficit of the park." Julio Grave de Peralta and Kevin Smith to handle.

R7F Commission Memorandum No. 87-99

A Resolution Approving the Transmittal of a Request to the State Department of Environmental Protection (DEP), Division of State Lands, Bureau of Land Management to Terminate the Lease Agreement Concerning the North Shore Recreation Area, Which Includes North Shore Open Space Park; the West Parking Lot Properties and Altos Del Mar Lots; Further Requesting That the State Transfer Full Deed and Title to the City of Miami Beach for North Shore Open Space Park and the West Parking Lot Properties and Pursue the Sale of 22 State Owned Lots in Altos Del Mar for Single Family Residential Development (Historic District) with Appropriate Proration of Sale Proceeds with the City.

Administration Recommendation: Adopt the Resolution.
(Recreation, Culture and Parks)

ACTION: Discussion held. Resolution No. 99-23047 adopted as amended. Motion made by Vice-Mayor Cruz to amend the resolution retaining parts 1 (terminate the lease agreement.....); and 2 (requesting the State to transfer full deed....) and deleting part 3 "Pursue the Sale of 22 State Owned Lots in Altos Del Mar for Single Family Residential Development (Historic District) with Appropriate Proration of Sale Proceeds with the City"; seconded by Commissioner Smith.

Discussion continued. Amendment proposed by Commissioner Shapiro to add "that the State transfer full deed and title to the City of Miami Beach for North Shore Open Space PARK and the west parking lots properties and the 11 contiguous lots...". Amendment not accepted and discussion continued.

Ballot vote on Vice-Mayor Cruz's motion: 5 in favor (Mayor Kasdin, Vice-Mayor Cruz and Commissioners Gottlieb, Liebman, Smith); 2 opposed (Commissioners Dermer and Shapiro). Janet Gavarrete to handle.

Areas to be considered in any negotiations: increase the return to the City of its 5.17% investment if State markets the 22 lots as single family with the proceeds being shared on a pro rata basis with the State; reimburse to the City interest on the money invested. The City should also be compensated for legal fees, staff time, hearings, court costs, etc. for the court challenge to the comprehensive plan.

HANDOUTS:

1. Letter from Elizabeth Plater-Zyberk to the Mayor and City Commission dated January 19, 1999
2. Letter from Ranaan Katz to Mayor and City Commission dated January 19, 1999.
3. Kent Harrison Robbins - Newspaper articles on the 22 State-owned parcels of land.
4. North Beach Development Corp. correspondence.
5. Speaker's list.

R7G Commission Memorandum No. 59-99

A Resolution Authorizing the Administration to Issue a Request for Proposals (RFP) for the Development of the City-Owned Lot Located between Collins and Harding Avenues, at 72nd and 73rd Streets.

Administration Recommendation: Adopt the Resolution.
(Requested by Commissioner Martin Shapiro)
(Hear in Conjunction with R9D)

ACTION: Resolution No. 99-23048 adopted. Motion made by Commissioner Shapiro; seconded by Commissioner Smith; voice vote: 6-1 (Mayor Kasdin opposed). Format of the R.F.P. to follow the Washington Ave./17th St. R.F.P.

Commissioner Liebman requested to do exactly the same things in the RFP that was done with the Washington Avenue/17th St. RFP to protect the area.

Include a clause in the RFP which allows the Commission to reject any and all responses if it so chooses. Janet Gavarrete to handle.

R8 - Old Business

R8A 1. Commission Memorandum No. 75-99

Request by Jere Bishop for the City Commission to Review a Design Review Board Decision Approving a Request by Marquesa Development, Ltd., to Change the Status of an Existing Entrance Driveway for South Pointe and Portofino Towers from Temporary to Permanent at 300 - 400 South Pointe Drive. **2:30 p.m.**

Public Hearing

Administration Recommendation: That the City Commission open and continue to February 17, 1999, with a time certain of 11:01 a.m., the public hearing to review a decision of the Design Review Board (DRB), wherein it approved a request by Marquesa Development, Ltd., to change the status of an existing entrance driveway for South Pointe and Portofino Towers from temporary to permanent at 300 - 400 South Pointe Drive (DRB File No. 9943).

2. Commission Memorandum No. 76-99

Request by the City Manager for the City Commission to Set a Public Hearing to Review a Design Review Board Decision Approving a Request by Marquesa Development, Ltd., to Change the Status of an Existing Entrance Driveway for South Pointe and Portofino Towers from Temporary to Permanent at 300 400 South Pointe Drive.

Administration Recommendation: That the City Commission set a public hearing on February 17, 1999 with a time certain of 11:00 a.m. to review a decision of the Design Review Board (DRB), wherein it approved a request by Marquesa Development, Ltd., to change the status of an existing entrance driveway for South Pointe and Portofino Towers from temporary to permanent at 300 - 400 South Pointe Drive (DRB File No. 9943).

(Planning Department)

(Scheduled on 1/6/99)

ACTION:

1. Public hearing opened and continued to February 17th at 11:01 a.m. Motion made by Commissioner Smith; seconded by Commissioner Gottlieb; voice vote: 7-0.

2. Resolution No. 99-23049 adopted. Motion made by Commissioner Gottlieb; seconded by Commissioner Smith; voice vote: 7-0. Public hearing scheduled for February 17th at 11:00 a.m.

City Clerk's Note: R. Parcher to publish notice; 15-day notice (mail and newspaper). Dean Grandin to provide mailing labels and post property. Mailing by 1/28; Newspaper notice Sunday 1/31; property posting 2/1.

HANDOUT: Transcripts of the November 10, 1998 Design Review Board meeting.

R9 - New Business and Commission Requests

R9A Commission Memorandum No. 77-99

Board and Committee Appointments for the Meeting of January 20, 1999.

(City Clerk's Office)

ACTION:

Board of Adjustment: - Entire Board re-appointed.

Malcolm Fromberg (Gen. Bus.or Arch. or CPA) (City Commission) 1/1/99 - 12/31/1999

Lawrence Fuller (Law) (City Commission) 1/1/99 - 12/31/1999

Neli A. Santamarina (Real Estate Development) (City Commission) 1/1/99 - 12/31/1999

Joy Alschuler Malakoff (Financial Consultant) (City Commission) 1/1/99 - 12/31/1999

Theodore Berman (Engineer) 12/31/98 (City Commission) 1/1/99 - 12/31/1999

Budget Advisory Committee:

Larry A. Herrup (CPA) re-appointed (City Commission) 1/1/99 - 12/31/2000

Community Development Advisory Committee:

Stanley K. Shapiro (Commissioner Gottlieb) 1/1/99 - 12/31/2000

Todd Narson (Commissioner Dermer) 1/1/99 - 12/31/2000

Community Relations Board:

Zvi Bercovitz (Commissioner Dermer) 1/1/99 - 12/31/2000

Sharon Kersten (City Commission) 1/1/99 - 12/31/2000

Albert (see Vice-Mayor Cruz) (City Commission) 1/1/99 - 12/31/2000

Convention Center Advisory Board:

Linda Polansky (Hotelier) (City Commission) 1/1/99 - 12/31/2000

Cathy Johnston (Promoter/MBCC) (City Commission) 1/1/99 - 12/31/2000

John Mallah (Attorney) re-appt (City Commission) 1/1/99 - 12/31/2000

HANDOUT: Ballots

Fine Arts Board:

Cheryl Jacobs (Mayor Kasdin) 1/1/99 - 12/31/2000

Maria J. Harris re-appointed (City Commission) 1/1/99 - 12/31/2000

Debra H. Schwartz re-appointed (City Commission) 1/1/99 - 12/31/2000

Golf Advisory Committee:

David J. Russin - re-appt. (City Commission) 1/1/99 - 12/31/2000

Stanford Horowitz - re-appt (City Commission) 1/1/99 - 12/31/2000

Loan Review Committee:

Regina Berman (NB) re-appt (City Commission) 1/1/99 - 12/31/2000

Majorie Weber (MB) re-appt (City Commission) 1/1/99 - 12/31/2000

J. Wallace Tutt (General Contractor) (City Commission) 1/1/99 - 12/31/2000

HANDOUT: Ballots**Marine Authority:**

Dr. Morris Sunshine (City Commission) 1/1/99 - 12/31/1999

Miami Beach Commission on the Status of Women:

Sara Resnick (Commissioner Cruz) 1/1/99 - 12/31/2000

Police/Citizens Relations Board:

Michael Finesilver (Commissioner Dermer) 1/1/99 - 12/31/2000

Safety Committee:

Gerald S. Goldstein (MB) (City Commission) 1/1/99 - 12/31/2000

R9B Discussion regarding the Annual Review and Evaluation of the Performance of the City Manager

(Requested by Mayor Neisen Kasdin)

ACTION: Resolution No. 99-23050 adopted. Motion made by Commissioner Liebman; seconded by Commissioner Smith; voice vote: 7-0.

R9C Adoption of a Plan for the Respective Redevelopment Districts or Amendments to the Existing Adopted Plans Identifying and Prioritizing the Future Programs of the Redevelopment Agencies. (Requested by Mayor Neisen Kasdin)

(Deferred from 1/6/99)

ACTION: Discussion held. Use as a benchmark: what existing projects can be financed with existing funding and what projects/funding will be available if the RDA is extended and then establish what the desires are for the area. Mayor Kasdin requested that Administration prepare a listing of projects which the RDA has been committed to fund (South Pointe streetscape; Washington Avenue; streets in City Center Redevelopment area). Commissioner Liebman questioned the capital improvement needs for the rest of the city and how much the redevelopment funding is able to do on its own and how much is needed for the rest of the area. Administration directed to review and revise the redevelopment area plans with the Commission setting the priorities for the use of RDA funds with emphasis given to neighborhood needs. Mayor Kasdin requested Administration to research: 1) what would happen if the life of the two RDA districts are shortened; and 2) what are the implications?

Motion by Commissioner Liebman directing the Administration to create a plan/policy for expending future funds; seconded by Mayor Kasdin; voice vote: 7-0.

Commissioner Liebman requested the Administration provide the capital needs of the rest of the City.

HANDOUT: Article from the Wall Street Journal/Florida Journal - Special Tax Zones become common, but not popular. Article written by Evan Perez-staff reporter for the Wall Street Journal.

R9D Discussion regarding Altos del Mar Issues.

(Requested by Commissioner Jose Smith)

(Hear in Conjunction with R7G)

ACTION: Item withdrawn by Commissioner Smith.

ITEM R9E SUBMITTED AS AN ADDENDUM:

R9E: Discussion of the Concurrency Management System and the City's Mitigation Efforts.

(Requested by Commissioner Liebman)

ACTION: Discussion held. No action taken.

Reports and Informational Items

A Verbal Status Report on the North Beach Study.

(Planning Department)

ACTION: City Manager asked if a verbal report was needed. Commission proceeded without the verbal report.

B Commission Memorandum No. 80-99

Status Report on the Progress of North Beach Construction.

(Public Works)

ACTION: Written report submitted.

C Commission Memorandum No. 81-99

Status Report on the Cultural Arts Council.

(Office of Arts, Culture and Entertainment)

ACTION: Written report presented. Verbal report given by Pauline Winick.

D Commission Memorandum No. 82-99

Greater Miami Convention and Visitors Bureau Timeline.

(City Manager's Office)

ACTION: Written report submitted.

E Commission Memorandum No. 83-99

Composition of Ad Hoc Miami Beach Cable Advisory Board.

(City Manager's Office)

ACTION: Written report submitted.

F Commission Memorandum No. 84-99

Public Hearings Before the January 26, 1999 Planning Board Meeting are as Follows: 1) Miami Beach Chamber of Commerce, Requests Amendment of a Previous Conditional Use Approval in Order to Construct a Three (3) Story Office Building with On-Site Parking (Conditional Use: Public/Private Institution in the RM-2 Residential Multi-Family Medium Intensity Zoning District), at 1920 Meridian Avenue; 2) Mimosa Condominium Association, Inc., Requests Conditional Use Approval in Order to

Operate a Religious Institution in a Common Area of an Existing Condominium Apartment Building at 4747 Collins Avenue; **3)** BellSouth, Inc., Requests Modification of a Conditional Use Approval in Order to Use a Commercial Parking Lot for Storage of Materials, at 1030 15th Street; **4)** An Ordinance Amending the Code of the City of Miami Beach, Florida, Amending Chapter 118 Entitled "Administration and Review Procedures", Amending Section 118-192 Entitled "Review Guidelines" by Adding a Review Criteria Addressing the Geographic Concentration of Uses; Amending Chapter 142 Entitled "Zoning Districts and Regulations", Section 142-273 Entitled "Conditional Uses", Section 142-303 Entitled "Conditional Uses", Section 142-333 Entitled "Conditional Uses" and Section 142-693 Entitled "Permitted Uses" by Adding Video Game Arcades to the List of Commercial Establishments Requiring Conditional Use Approval in the CD-1, CD-2, CD-3, C-PS1, C-PS2, C-PS3 and C-PS4 Commercial Zoning Districts; **5)** An Ordinance Amending the Code of the City of Miami Beach, Florida, Amending Chapter 142 Entitled "Zoning Districts and Regulations", Section 142-272 Entitled "Main Permitted Uses", Section 142-302 Entitled "Main Permitted Uses", Section 142-332 Entitled "Main Permitted Uses" and Section 142-693 Entitled "Permitted Uses" by Prohibiting Tattoo Parlors, Body Piercing Establishments, Commercial Fortunetellers, Spiritual Advisors and Similar Establishments on the First Floor in the CD-1, CD-2, CD-3, C-PS1, C-PS2, C-PS3 and C-PS4 Zoning Districts; **6)** An Ordinance Establishing a Temporary Moratorium for 180 Days on the Approval And/Or Issuance of Building Permits, Certificates of Use, Occupational Licenses, Design Review Approvals, Variance Approvals, and Other Development Approvals Which Would Be Inconsistent with the Main Permitted Uses in the Residential/Office (RO) District; Said Moratorium Shall Be Effective in the Following Limited Areas in the Commercial, Low Intensity (CD-1) and Commercial, Medium Intensity (CD-2) Districts:

A) The West 75 Feet of Lots 7 and 8, Block 35 of Ocean Beach Addition #3 (Currently Zoned CD-2);
B) Those Properties Fronting on the East Side of Pennsylvania Avenue, from Eleventh Street on the North, to the South Lot Line of Lot 4, Block 35 of Ocean Beach Addition #3 on the South (Currently Zoned CD-2);

C) Those Properties Fronting on the West Side of Drexel Avenue, from Fourteenth Street on the North, to Twelfth Street on the South (Currently Zoned CD-1); and

D) Those Properties Fronting on the East Side of Alton Road, from Fourteenth Street on the North, to Twelfth Street on the South (Currently Zoned CD-1)

(The "Subject Areas"), and Shall Automatically Dissolve upon the Earlier of the Expiration of the One Hundred and Eighty (180) Day Period or upon the Denial by the City Commission of a) Amendments To the City's Zoning Map to Rezone the Subject Areas to RO, or b) Amendments to the Future Land Use Map of the City's Comprehensive Plan to Redesignate the Subject Areas to RO; Providing for Certain Exemptions from the Moratorium; Providing for Review Procedures.

(Planning Department)

ACTION: Written report submitted.

G Commission Memorandum No. 85-99

Update on FPL's Frequent Power Outages and Plan to Meet Future Electrical Demand.

(Public Works)

ACTION: Written report submitted.

H A Verbal Report of Progress on the Polo Park (Nautilus Middle School) Project, Presented by Dr. Paul Phillips, Chief Facilities Officer, Miami-Dade County Public Schools.

(Recreation, Culture and Parks)

ACTION: Verbal report presented.

HANDOUT: Update for the Nautilus and Polo Park Site Improvement Project presented by Dr. Phillips.

I Commission Memorandum No. 86-99

Washington Avenue Task Force Summary of Recommendations Status Report - December 1998.

(Requested by Commissioner Nancy Liebman)

ACTION: Written report submitted.

End of Regular Agenda

Miami Beach Redevelopment Agency

Commission Chambers, 3rd Floor, City Hall

1700 Convention Center Drive

January 20, 1999 - 10:00 a.m.

Chairman of the Board Neisen O. Kasdin

Member of the Board Simon Cruz

Member of the Board David Dermer

Member of the Board Susan F. Gottlieb

Member of the Board Nancy Liebman

Member of the Board Martin Shapiro

Member of the Board Jose Smith

Executive Director Sergio Rodriguez

Assistant Director Christina M. Cuervo

Assistant Director Mayra Diaz Buttacavoli

General Counsel Murray H. Dubbin

Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

3. NEW BUSINESS

A. Redevelopment Agency Memo No. 99-4

A Resolution Accepting the Ranking of Responses Received and Authorizing the Miami Beach Redevelopment Agency Staff to Enter into Negotiations for a Contract with the Number-One Ranked Firm, Kimley Horn & Associates, Inc., Pursuant to Request for Qualifications (RFQ) No. 15-98/99 for Providing Professional Engineering, Landscaping and Architectural Services for Design and Implementation of Street Improvements in the South Pointe Redevelopment Area; Authorizing the Redevelopment Agency Staff to Negotiate with the Second-Ranked Firm, Bermello-Ajamil & Partners, Inc., Should the Administration Not be Able to Reach Agreement with Kimley Horn & Associates, Inc. **Joint City Commission and Redevelopment Agency**

ACTION: Heard in conjunction with item R7D. Resolution No. 313-99 adopted. Motion made by Commissioner Liebman; seconded by Commissioner Gottlieb; voice vote: 7-0. Christina Cuervo to handle.

End of Agenda

The Commission meeting adjourned at 8:49 p.m.